

CUSTOMER NO.: 24498
Attorney Docket No. PA020014
Date of Office Action: 03/04/2009

PATENT

Remarks/Arguments

Claims 1 - 10 are pending. Claims 1, 3 - 4, 6-7, 9-10 have been amended to address the examiner's claim objections and to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

Rejection of claims 1-10 under 35 USC 103(a) as being unpatentable over Van Ryzin (US 6,446,080) in view of Shrader (US Pub. No. 2003/0023975) and Chen (US Pub. No. 2004/0148419)

Van Ryzin

Amended claim 1 recites in part:

"...upon detecting a second user action, removing the track to be considered while represented in the first area, and if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area (emphasis added)."

Applicants submit that, at least, Van Ryzin does not disclose or suggest the above-identified feature recited in amended claim 1. Specifically, Van Ryzin does not detail the manner in which a track is removed.

The Examiner refers to the following section in Van Ryzin, col. 5 lines 38 – 42 :

"...At Decision Block 45, the user is given the opportunity to delete any tracks added to the playlist that the user wishes to now delete from it. This is accomplished at Block 46. If no tracks are to be deleted from the playlist, the flow proceeds to Block 47..."

A mere statement that a "user is given the opportunity to delete any tracks added to a playlist" does not suffice to disclose or suggest the removal of the last occurrence of the track when multiple occurrences exist in the play list while the

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track is represented in the first area. Accordingly, this feature is not disclosed or suggested in Van Ryzin.

Furthermore, the Examiner has indicated that this was the **only** feature of claim 1 recited in Van Ryzin. Therefore, Van Ryzin does not recite any features of amended claim 1 and as such, amended claim 1 is patentably distinguishable over Van Ryzin.

Schrader

Amended claim 1 recites in part:

"upon detecting a second user action, removing the track to be considered while represented in the first area, and if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area (emphasis added)."

Applicants respectfully submit that, at least, Schrader does not disclose or suggest the above-identified feature recited in amended claim 1. In fact, nowhere does Schrader disclose or suggest the specific manner of deleting tracks having several occurrences in a playlist as recited in the amended claim above. The office action does not cite any portion of Schrader that allegedly discloses the above-mentioned limitation. Accordingly, amended claim 1 is patentably distinguishable over Schrader.

Lee

Lee discloses systems and methods for enabling a plurality of client computers to establish and share a common dynamic content experience. Media players allow a user to download audio documents through a network and to record the documents in a storing means. Then, the user can select a recorded document for play back. A user interface allows the user to select the desired document. The figures 3 to 8, and 10A and 10B of Lee depict a screened menu for helping the user to select the desired document. The figures 10A and 10B depict media player windows having an option to add a track to a shared playlist.

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As shown in FIG. 10A, the media player window 1000 can include a user interface component 1002, such as a pull down menu, via which the user can select an option to add a track, by clicking on text associated with the option.

The Examiner cites the passages column 16, lines 62 to column 17 line

11:

"After the user selects the option to add a track, the media player can provide a user interface 1004, as shown in FIG. 10B, that includes a list of tracks 1006 from which the user can select one or more tracks to add to the shared playlist. The user interface 1004 can also include a selected tracks list 1008 that provides a list of tracks that have been selected to be added to the shared playlist. The user can select the "Add" button 1010 to cause the tracks to be added to the shared playlist.

Preferably, either user can add a track to the shared playlist at any time. When one user adds a track, the track is added to the other user's playlist as well. In a preferred embodiment, each track can have a unique numerical identifier that is generated as a rolling index (which, in general, will be different on different clients). The rolling index enables the media player to determine if a user has added the same song to the playlist more than once."

Amended claim 1 recites in part:

"...upon detecting a second user action, removing the track to be considered while represented in the first area, and if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area (emphasis added)."

Figure 2 and the cited pages above in Lee do not disclose how a single track among a plurality of the same tracks can be removed. Lee does not disclose how the removing command, represented by the "CANCEL" button in figure 10B, removes the last occurrence of the track that was added to the playlist in the event of several occurrences of the track in the playlist.

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In fact, Lee significantly differs from the above-identified feature in amended claim 1. Lee discloses in the column 17 line 6 that in "*a preferred embodiment, each track can have a unique numerical identifier that is generated as a rolling index*". Since each added song has a unique identifier, each added occurrence of the same song is identified differently and separately from the other occurrences. One skilled in the art would naturally select the song with a specific identifier and push the button "CANCEL" button in order to remove the song from the playlist. This differs from the feature in amended claim 1 which requires the last occurrence of the track to be removed when multiple occurrences of the track are added to the playlist. Clearly, Lee does not teach or suggest the above-indicated feature in amended claim 1.

The remaining independent claims recite the above-referenced features, and are believed to be patentably distinguishable over the cited references for at least the same reasons as discussed with respect to amended claim 1.

Applicants submit that for at least the reasons discussed above the suggested combination of prior art references fail to disclose or suggest each and every feature recited in the independent claims 1, 4, 7 and 10, and as such, these claims, and the claims that depend therefrom, are patentably distinguishable over any combination of Van Ryzin, Schrader and Lee.


Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

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It is believed that there are no additional fees, other than the two-month extension fee, due with regard to the filing of this response. However if there is an additional fee due, please charge the fee, or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,
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Date: 7/14/09

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